

IN THE U.S. DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE:	)	MDL NO. 1456
	)	
PHARMACEUTICAL INDUSTRY	)	CIVIL ACTION: 01-CV-12257-PBS
AVERAGE WHOLESALE PRICE	)	
LITIGATION	)	JUDGE PATTI B. SARIS
	)	

**MOTION TO INTERVENE AND MEMORANDUM IN SUPPORT**

Pursuant to Fed. R. Civ. P. 24, Corinna Connick, on behalf of herself and all those similarly situated, seeks leave of this Court to intervene by way of her Complaint in Intervention and Motion to Disqualify Class Counsel and for Appointment of Consumer Class Representatives and Counsel in the above-captioned case. *See* Complaint in Intervention and Motion to Disqualify Class Counsel and for Appointment of Consumer Class Representatives and Counsel, attached hereto as *Exhibit A*. As detailed below, the Intervenor's rights and interests are being finally compromised via the Track Two Settlement Agreement in the above-referenced case, yet those interests are not being adequately protected. Specifically, Intervenor's claims against the settling Defendants are being completely released for no consideration whatsoever, and, therefore, Intervenor is entitled to intervention as a matter of law.

Corinna Connick and her counsel seek to be appointed as representatives of the consumer Plaintiffs in this action, and to replace the inadequate and ineffectual organizations<sup>1</sup> and designated counsel,<sup>2</sup> none of which possess any of the claims of consumer Plaintiffs, which have done such a poor job representing consumer Plaintiffs' interests thus far in the litigation.

<sup>1</sup> These are listed in ¶ II. F. of the Track Two Settlement Agreement.

<sup>2</sup> These are listed in ¶ II. J. of the Track Two Settlement Agreement.

8/29/2011  
DENIED as Ms Connick  
is not a class member  
and her claims are not being  
released. Patti B. Saris